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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,016	12/19/2001	Alexandre Drobychev	80168-0239	8774
32658	7590	10/23/2006	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			VO, TED T	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,016

Applicant(s)

DROBYCHEV ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06/15/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-26 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-26 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment on 06/15/06 under filing RCE on 08/21/06.
Claims 1-16, 18-26, and 29-32 are pending.

Response to Amendments

2. Applicants' amendment filed on 06/15/06 has been fully considered. Especially, Applicants argued that the reference is a NAB, where applications built using NAB were only deployable on Netscape Application Server. Applicants argued that:

NAB does not provide for cross-platform supporting allowing software portability. NAB does not possess the ability to plug into different backend data repositories using an abstract data layer with the application software running on top. Furthermore, the presentation logic is specific to a Netscape Application Server and not any server that supports server-side presentation logic. While one may be tempted to argue that JAVA and Enterprise JavaBeans are platform independent, it would be incorrect to apply that association with NAB, a software development tool that is specifically written for the Netscape environment. For a limitation to be inherent in a reference, it must naturally follow for what is disclosed. A limitation that may follow, is possible, or even obvious, is not inherent. Mere probability or possibility are irrelevant to the analysis of anticipation.

Examiner responds: It appears that the differences pointed out in the Applicants' arguments are:

- 1) the name NAB, in which they says it does not support plug-in and platform independent; 2) the presentation logic is specific to a Netscape Application Server and not any server that supports server-side presentation logic; 3) While one may be tempted to argue that JAVA and Enterprise JavaBeans are platform independent, it would be incorrect to apply that association with NAB, a software development tool that is specifically written for the Netscape environment.

It should be noted that an application run on Netscape server does not mean it cannot be deployed in another server, i.e., an EJB created by NAB can not be deployed in any other servers. It also noted that Applicants fail to show if software created on Netscape Builder, it would be not applicable to another *commerce application platform*. Applicants' argument in 2) is only an allegation. In fact, NAB

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extends its teaching, and inherently uses its elements to create EJBs for a commercial application platform (See C9 and C10), where EJB is platform independent. The name "NAB" cannot be associated to "Netscape server" and thus then concludes it would not support plug-in and platform independent. It should be noted that the reference NAB teaching discloses a platform that supports Enterprise JavaBeans and as in the claims.

Finally, in the specification, it admits the use of NAS as shown in p. c2-2:

(spec) Turning to FIG. 2, the application server 130 is displayed in greater detail, including an operating system 220, an application server services 200, a commerce application platform 230, and an applications layer 240. For exemplary purposes only, the embodiments of the present invention are described as using the application server services of the Netscape Application Server ("NAS"); however, any application server supporting Server-Side Presentation Logic ("SSPL") may be used in conjunction with the present invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16, 18-26, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Netscape Application Builder, "User Guide", 1999 (hereinafter: NAB).

Given the broadest interpretation of Claims in light of the specification:

As per claim 1: NAB discloses,

A computer system run-time platform for providing features and services for commerce software applications, and operatively adaptable to any server platform capable of server-side presentation logic,

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the commerce applications platform comprising (See About Enterprise JavaBeans architecture disclosed in p. c9-1):

a software portion configured to provide access to, and caching of, data elements (EJBs), including a data and object repository, independent of the run-time platform for providing commerce software applications (See sec Creating Data Access Logic in c9-1: "This chapter describes how to create Enterprise JavaBeans"; and discussing about EJB in "About Enterprise JavaBean": These applications can be written once and then deployed on any server platform that supports EJBs: "any server platform": independent of the run-time platform for providing commerce software applications);

a software portion configured to inherit hierarchical application logic from the commerce applications platform; (See c2-1, the table in sec. Parts of an Application: Data access layer; see About Enterprise JavaBeans, c9-1 and see c9-10, EJB class);

a software configured to provide static and dynamic presentation data for presentation by any server capable of server-side presentation logic (See the table in sec. Parts of an Application: Presentation layer; see c7-1, sec. Creating Presentation Logic. Note: both JavaBeans and HTML also used in this User Guide (see c2-3));

a software portion configured to maintain permanent and session application data persistent across user request boundaries during a single user session (See c7-11-12, Working with Session Management; see c9-1, About Enterprise JavaBeans, Entity Beans); and

a software portion configured to enable access to a business object during the user session (See the table in sec. Parts of an Application: Business layer; see c9-1, sec. Creating Business Logic, refer EJBs/Servlets).

As per claim 2: NAB discloses,

The computer system platform of claim 1, wherein the data elements are stored within a computer-readable medium in the form of a data structure forming a list of at least one data element, wherein each data element comprises: a first field containing data representing a data element name; a second field containing data representing the data element type; and a third field containing data representing the data element value (E.g. see c7-2, Servlet Configuration (NTV) Files).

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As per claim 3: NAB discloses, *The computer system platform of claim 1, further comprising a software portion configured as a rule engine for evaluating rule parameters (E.g. see c8-12-13).*

As per claim 4: NAB discloses, *The computer system platform of claim 1, further comprising a data management software portion configured to store and retrieve data during a user session (See C7-11, Working with Session Management).*

As per claim 5: NAB discloses, *The computer system platform of claim 1, further comprising user a software portion configured to provide or deny a user access to the commerce software applications (See c7-15, Validation; see c8-12, the table; see c8-13, the expressions – For example, the user/password will deny a user who enters incorrect ID).*

As per claim 6: NAB discloses, *computer system platform of claim 1, further comprising a software portion configured to transfer data to and from a data store (e.g. see c7-14-15, Accessing Data Source via JDBC; and the connection to LDAP server in c10-9, 10).*

As per claim 7: NAB discloses, *The computer system platform of claim 6, wherein the data store further comprises LDAP data stores (See the connection to LDAP server in c10-9, 10).*

As per claim 8: NAB discloses, *computer system platform of claim 6, wherein the data store further comprises database data stores (e.g. see c7-14-15, Accessing Data Source via JDBC; and the connection to LDAP server in c10-9, 10).*

As per claim 9: NAB discloses, *The computer system platform of claim 1, wherein the business object is cached during the user session (See c9-3, refer to Entity EJBs).*

As per claim 10: NAB discloses,

A method for implementing a first software application resident on a commerce application platform wherein the commerce applications platform is a run-time platform configured to provide access to data elements, hierarchical inheritance of the first software application logic, static and dynamic presentation data, access to business objects, and access to permanent and session application data during a single user session, the method (Refer EJBs discussed in the entire reference), comprising:

providing presentation information by the first software application (See c2-2, NAS Application: the Servlets ↔ EJBs) seeking input data from a user (See c2-2: Requests, and refer to Presentation

logic in the table of c2-1 or in p c2-3 --- Further see c7-15, Validation, see list in Type Validation:
presentation information, seeking input data);

receiving input data from a data repository for use by the first software application, where the data repository is independent of the commerce application platform (See c2-2: JDBC calls \leftrightarrow Data sources or Servlets \leftrightarrow EJBs);

passing the input data to the commerce application platform for validation (See c2-2: refer to JDBC calls \rightarrow EJBs, or Servlets \rightarrow EJBs, and further see the discussions of validation as cited);

validating the data by the commerce application platform (See c8-13, the expressions; and see EJBs session);

providing, by the commerce application platform, business object functionality to the application (See EJBs in entire reference);

preparing presentation information by the application based upon the business object functionality for presentation by any server capable of server-side presentation logic (See c2-2, and c2-3: about presentation logic, and further see whole chapter c7 and c8); and

accessing the permanent and session application data persistent across user request boundaries during the single user session (See c7-11-12, Working with Session Management; see c9-1, About Enterprise JavaBeans, Entity Beans).

As per claim 11: NAB discloses,

The method of claim 10, wherein the step of providing presentation information further comprises providing static and dynamic presentation data (See the reference: validation: see parameters used in validation).

As per claim 12: NAB discloses,

The method claim 10, wherein the passing of input data further comprises passing user identification information (See Validation: such as password; see c6-27: Setting Data Connection).

As per claim 13: NAB discloses, *The method of claim 10, wherein the passing of input data further comprises passing data corresponding to commerce functionality (See Validation: such as password; see c6-27: Setting Data Connection; and refer to methods used in servlets and EJBs).*

As per claim 14: NAB discloses, *The method of claim 10, wherein the step of validating the data further comprises invoking a rule engine to determine a validation result* (See c8-13, the expressions).

As per claim 15: NAB discloses, *The method of claim 10, further comprising the step of creating, by the commerce application platform, a business object for providing business functionality* (See c.9: Creating Business Logic).

As per claim 16: NAB discloses, *The method of claim 10, further comprising the step of accessing, by the commerce application platform, an existing business object* (See c.9: Creating Business Logic; see the file system such as shown in c9-6).

As per claim 18: NAB discloses, *The method of claim 10, further comprising the step of implementing a second software application on the commerce application platform* (See c.9: Creating Business Logic. For example, see discussion Adding Objects by Dragging and Dropping in c8-8; moreover, "Creating" in Creating Business Logic has means implementing a second software application).

As per claim 19: NAB discloses, *The method of claim 18, further comprising the step of implementing a second software application by concurrently implementing the first software application and the second software application* (See c.9: Creating Business Logic: "Creating" has means implementing a second software application: Simply, a user may use all Windows' commands, Dragging and Dropping, for doing this task).

As per claim 20: NAB discloses, *The method of claim 18, further comprising the step of accessing a business object by both the first and the second software applications* (See c.9: Creating Business Logic; and see editors used in the entire reference, example, the file system shown in c9-6 allowing a user to access any EBJ in the computer).

As per claim 21: NAB discloses, *A method for providing services to a first software application residing on a commerce application platform wherein the commerce applications platform is a run-time platform configured to provide access to data elements, hierarchical inheritance of the first software application logic, static and dynamic presentation data for presentation by any user capable of server-side presentation logic, access to business objects, and access to permanent and session application data during a single user session, the method comprising:*

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receiving from the application input data for validation from a data repository (See c2-2: servlet → EJBs and see EJB session and Validation as cited), where the data repository is independent of the commerce application platform (See EJBs in p. c2-2 and read the discussion of EJBs in p. c9-1); validating the input data (see discussion of validation as cited); providing business object functionality to the application (see Creating Business Logic, c9-1); and accessing permanent and session application data persistent during the single user session (See related rationale in Claims 1 and 10).

As per claim 22: NAB discloses, *The method of claim 21, wherein the input data received from the application relates to a commerce application function (Refer parameters shown in Validation).*

As per claim 23: NAB discloses, *The method of claim 21, wherein the input data received from the application includes user identification information (Refer parameters shown the table in Validation).*

As per claim 24: NAB discloses, *The method of claim 21, wherein the step of validating the input data further comprises invoking a rule engine to determine a validation result (See c8-13, the expressions);*

As per claim 25: NAB discloses, *The method of claim 21, further comprising the step of creating a new business object (See c.8).*

As per claim 26: NAB discloses, *The method of claim 21, further comprising the step of accessing an existing business object (See Examiner's rationale in Claim 16).*

As per claim 29: NAB discloses, *The method of claim 21, further comprising the step of creating a persistent object based on a persistent object framework (See Entity EJBs).*

As per claim 30: NAB discloses, *The method of claim 21, further comprising the step of receiving input data from a second application on the commerce application platform (See c7-15, Validation; see c8-12, including Examiner' rationale in Claim 18).*

As per claim 31: NAB discloses, *The method of claim 21, wherein the step of receiving input data from the first software application further comprises concurrently receiving input data from a second software application (See Examiner' rationale in Claim 19).*

As per claim 32: NAB discloses, *The method of claim 21, wherein the step of providing business object functionality to the application further comprises providing the same business object functionality to a second software application (See Examiner' rationale in Claim 20).*

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Conclusion

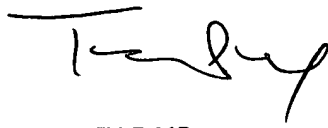
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 13, 2006


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